

ORDINANCE NO. 12-65

ORDINANCE APPROVING AND ADOPTING THE BUDGET OF THE DEPARTMENT OF PUBLIC WORKS OF THE CITY OF HIALEAH, FLORIDA, FOR THE FISCAL YEAR 2012-2013 COMMENCING ON OCTOBER 1, 2012 AND ENDING ON SEPTEMBER 30, 2013, IN THE TOTAL AMOUNT OF \$93,531,804; AND APPROVING WATER AND SEWER RATES AND MISCELLANEOUS FEES AND CHARGES, WHICH REPRESENTS NO INCREASE IN RATES, FEES AND CHARGES, AS ATTACHED HERETO; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING PENALTY FOR VIOLATION HEREOF; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, effective October 1, 2012, the Miami-Dade Water and Sewers Department has advised the City that the wholesale water rate will increase to \$1.7142 per 1,000 gallons and the wholesale wastewater or sewer rates will remain at \$2.1528 per 1,000 gallons on average (wet/dry season) for Fiscal Year 2012-2013; and

WHEREAS, the City has decided not to pass the increase to the retail customers represented by the Miami-Dade County recommended rate of \$1.7142 per 1,000 gallons in the wholesale water rate; and

WHEREAS, the wholesale water rate of \$1.7142 per 1,000 gallons is established following the expiration on September 30, 2012 of the City-County agreement dated October 6, 2008 phasing-out of the wholesale water rate discount received by the City over a five-year period, with the last year showing the end on the wholesale water rate discount; and

WHEREAS, the retail water and sewer rates and the miscellaneous fees and charges for Fiscal Year 2012-2013 will be the same retail rates and miscellaneous fees and charges for Fiscal Year 2011-2012; and

WHEREAS, the Department of Public Works is required by loan agreements to maintain ratios of operating income to operating expenses.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

Section 1: The budget of the Department of Public Works of the City of Hialeah, as attached hereto and made a part hereof, in the total amount of \$93,531,804,

for the fiscal year 2012-2013 commencing on October 1, 2012 and ending September 30, 2013, is hereby approved and adopted.

Section 2: The City of Hialeah, Florida hereby approves a retail water and sewer rates and miscellaneous fees and charges as attached hereto and made a part hereof as Exhibit "1".

Section 3: The City of Hialeah, Florida hereby defers the annual code requirement for a Consumer Price Index (CPI) adjustment to water and sewer rates for Fiscal Year 2012-2013 and directs the Director of Public Works to review the need for a Consumer Price Index (CPI) adjustment for Fiscal Year 2012-2014 and present his findings to the Mayor and the City Council.

Section 4: Repeal of Ordinances in Conflict.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 5: Penalties.

Any person, business, association, corporation, partnership or other legal entity who violates any of the provisions of this ordinance shall be assessed a civil penalty, up to a maximum of \$500.00, within the discretion of the court or administrative tribunal having jurisdiction. Each day that a violation continues shall constitute a separate violation.

Section 6: Severability Clause.

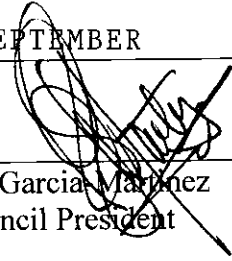
If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent

jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

Section 7: Effective Date.

This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

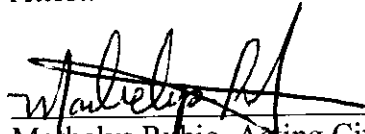
PASSED and ADOPTED this 27 day of SEPTEMBER, 2012.



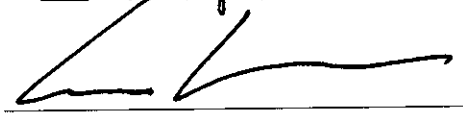
Isis Garcia-Martinez
Council President

Attest:

Approved on this 28 day of September, 2012.

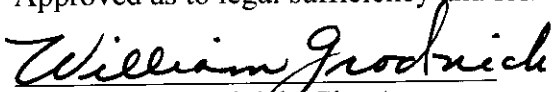


Marbelys Rubio, Acting City Clerk



Mayor Carlos Hernandez

Approved as to legal sufficiency and form:



William M. Grodnick, City Attorney